

OGC Has Reviewed

OGC 76-5165

22 September 1976

MEMORANDUM FOR: See Distribution

FROM :
Associate General Counsel

SUBJECT : Executive Order 10450

1. See the attached M/R of Tony Lapham's conversation with Nichols of OMB yesterday which I believe in essence indicates where the action is.

2. Also, see my memorandum of 20 September. I found in reviewing the proposed DCI letter to OMB and the revised executive order, over the weekend, for the purpose of advising Mr. Lapham as to the advice he should give Mr. Knoche and Mr. Bush that I could do so only by going over the executive order in some detail, in the course of which I jotted down the many points which occurred to me. Some obviously are much more important than others. Some no doubt would be dealt with by the Department of Justice or others, for example, the incorrect citation to the Atomic Energy Act. Regardless of their merit, some perhaps should not be raised in any letter to OMB.

3. It may be that the Bush letter ought to make the point that if adequate exemption language is included the Agency would not need many, if any, of the other amendments. This however would be useful only with respect to the Agency's interests and the problem of IC interest would still remain.

STATINTL


Attachments

cc: Legislative Counsel
Chairman, NFIB Security Committee
Director of Security
Director of Personnel
Personnel
OGC

OGC 76-5162
21 September 1976

MEMORANDUM FOR THE RECORD

STATINTEROM:


Associate General Counsel

SUBJECT: Executive Order 10450

Tony Lapham called Mr. Nichols, General Counsel of OMB, to explain that we were forwarding a letter to him advising OMB that the Agency has problems with the order and assuring OMB that a letter on the specifics would be forthcoming shortly. Nichols reported that comments on the order have been "massive," and it was Nichols' feeling that the present draft will have to be in effect discarded and entirely rewritten. It was not clear to Mr. Lapham whether Nichols meant that OMB would do a rewrite in order to deal with the many comments received or whether Nichols thought OMB would refer it to some agency or interagency mechanism for a new start. Nichols asked for some tentative or rough comments right away, but Mr. Lapham resisted this, advising that Mr. Bush would want to address this matter which he has not yet done. It was left however that if Nichols concludes he needs our tentative comments as soon as possible with an understanding that the Director would be free to revise at a later date, he Nichols would get back to Mr. Lapham to that effect.

 STATINTL

cc: Legislative Counsel
Chairman, NFIB Security Committee
Director of Security
Director of Personnel